UNITED STATES PATENT AND TRADEMARK OFFICE

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09/929,376	08/14/2001	Pedro Luiz Discacciati Fortes	D/A0620	1002

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>07 July 2008</u>.

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-17</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 remained pending.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 1-2, 6, 8-15, are rejected under 35 U.S.C. 101 because the claimed invention is
directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 1 recites "generating",
"determining" and "notifying" building" registering "emailing" selecting", however these
steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural
phenomena) that do not apply, involve, for example) and abstract ideas without a
practical application are found to be non-statutory subject matter. Therefore, Applicant's
claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4. Claims 1-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli U.S

Patent 5, 842, 178 in view Aycock et al (Hereinafter Aycock U.S Patent 5, 765, 138.

As per claim 1, Giovannoli discloses a method of exchanging data between a buyer and a

plurality of multiple suppliers via an internet supplier on-line system:

generating by a buyer a request for a quotation from at least some of the plurality of suppliers for

a cost of a part or device, generating at least one attachment document at least one of the request

for quotation and the at least one attachment document including both engineering information

and business information documents, determining which of the plurality of suppliers are to be
provided with the request for quotation;
inquiring suppliers to be provided with the request for quotation-and registered on the supplier
on-line system, responsive to the inquiring, registering the suppliers not registered on the
supplier on-line system (see column 1-8 lines 1-67) notifying the buyer, automatically by the
supplier on-line system, of the registration of the suppliers, selecting which of the generated at
least one attachment document are to be attached as part of a service bidding process
corresponding to respective non-commodity parts or devices of the request for quotation (Note
abstract and see column 1-8 lines 1-67) building the request for quotation, including joining the
selected generated attachment documents into a request for quotation pack, the request for
quotation pack.

   Giovannoli fail to explicitly teach including the business information and the engineering
information the engineering information to be used by at least one of the suppliers for generating
the non-commodity parts or devices registering information in the service bidding process for the
non-commodity parts or devices selecting the suppliers that are to receive the request for
quotation pack, making the request for quotation pack available to selected suppliers on a
supplier on-line system web site a e-mailing all suppliers that the request for quotation pack is
available at the web site and displaying the request for quotation pack on a computing device for
at least one of the suppliers.

      However Aycock discloses method for evaluating supplier capabilities to qualify a supplier
as a vendor, according to a preferred embodiment of the present invention. Specifically, the
disclosed method is directed to evaluating the quality control capabilities of the supplier and is
therefore also referred to as a supplier quality maturity assessment process. The supplier quality
maturity assessment process (SQ-MAP) is a supplier selection analysis to measure a supplier
quality process maturity. The SQ-MAP process is based upon national and international quality
standards including ISO 9001/ISO 9000-3, the disclosures of which are incorporated herein by
reference. The SQ-MAP process is applicable for assessing the quality process maturity level of
hardware manufacturing and software development supplier. In addition, the SQ-MAP process is
designed for use during the selection and acquisition phases of the product procurement cycle
(see column 4 lines 64-67 and column 1 lines 1-13).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Giovannoli to include including the business information and the engineering information the engineering information to be used by at least one of the suppliers for generating the non-commodity parts or devices registering information in the service bidding process for the non-commodity parts or devices selecting the suppliers that are to receive the request for quotation pack, making the request for quotation pack available to selected suppliers on a supplier on-line system web site a e-mailing all suppliers that the request for quotation pack is available at the web site and displaying the request for quotation pack on a computing device for at least one of the suppliers taught by Aycock in order to qualify a supplier as a vendor.

As per claim 2, Giovannoli discloses further including: receiving from the supplier a quotation corresponding to the request for quotation back; arid e-mailing automatically by the supplier on-line system, the buyer that the supplier has entered a quotation. . (Note abstract and see column 1-8 lines 1-67).

As per claim 3, Giovannoli discloses further including:
analyzing automatically the request for quotation pack to determine a last day available for the supplier to respond, determining, if the day the quotation is provided by the supplier is prior to the last day to respond to the request for quotation pack and providing the buyer with the capability to review quotations for request for quotation pack received prior to the last day to respond (Note abstract and see column 1-8 lines 1-67).

As per claim 4, Giovannoli discloses further including:
determining whether a need exists to alter the last day for responding to a request for quotation; altering the last day suppliers may respond to a request for quotation and transmitting, automatically, e-mail notifications to the suppliers that the last day to respond to the request for quotation has been altered. (Note abstract and see column 1-8 lines 1-67).

As per claim 5, Giovannoli discloses wherein the action of making the request for quotation with the attached documents available to select suppliers includes synchronizing the data in the request for quotation with internal and external databases in order to transfer the files to a designated web site (Note abstract and see column 1-8 lines 1-67).

As per claim 6, Giovannoli discloses further including an action of downloading documentation from sources outside of the supplier on-line system for inclusion into the request for quotation pack.(Note abstract and see column 1-8 lines 1-67).

As per claim 7, Giovannoli discloses further including an automatic document transfer process which generates files to be included in the request for quotation pack wherein the automatic document transfer process transfers the generated files to individual supplier folders maintained on a back end supplier on-line server (Note abstract and see column 1-8 lines 1-67).

As per claim 8, Giovannoli discloses further including an upload document transfer process wherein a supplier is able to upload document information to the supplier on-line system which may be received by the buyer (Note abstract and see column 1-8 lines 1-67).

As per claim 9, Giovannoli further including:
registering part or device number information within the bidding process for the commodity parts or devices; and selecting the documentation that is to be attached to individual parts or devices of the request for quotation to form the request for quotation pack (Note abstract and see column 1-8 lines 1-67).

As per claim 10, Giovannoli discloses a method configured to exchange data between a buyer and a plurality of suppliers via an on-line communication network, comprising:
generating a request for a quotation intended for at least some of the plurality of suppliers for a cost of a part or device, determining if the request for the quotation will include attachments, generating documents for inclusion as attachments to the request for quotation the request for quotation and attachments including both engineering and business documents, determining that the request for quotation is for a commodity part or device or is for a non-commodity part or device (Note abstract and see column 1-8 lines 1-67) and (i) selecting which of the generated documents are to be attached as part of an item bidding process corresponding to each of the commodity parts or devices(Note abstract and see column 1-8 lines 1-67) or (ii) selecting which of the generated documents are to be attached as part of a service bidding process corresponding to each of the non-commodity parts or devices, the commodity part or device being found in a catalog (Note abstract and see column 1-8 lines 1-67) building the request for quotation, including joining the selected business and engineering documentation into a request for quotation pack(Note abstract and see column 1-8 lines 1-67).

Giovannoli fail to explicitly teach registering information in one of the item bidding process

for commodity parts or devices or the service bidding process for non-commodity parts or

devices selecting the suppliers that are to receive the request for quotation pack, making the

request for quotation pack available to selected suppliers on a supplier on-line system web site

and displaying the request for quotation pack on a computing device for at least one of the

selected suppliers.

However Aycock discloses method for evaluating supplier capabilities to qualify a supplier

as a vendor, according to a preferred embodiment of the present invention. Specifically, the

disclosed method is directed to evaluating the quality control capabilities of the supplier and is

therefore also referred to as a supplier quality maturity assessment process. The supplier quality

maturity assessment process (SQ-MAP) is a supplier selection analysis to measure a supplier

quality process maturity. The SQ-MAP process is based upon national and international quality

standards including ISO 9001/ISO 9000-3, the disclosures of which are incorporated herein by

reference. The SQ-MAP process is applicable for assessing the quality process maturity level of

hardware manufacturing and software development supplier. In addition, the SQ-MAP process is

designed for use during the selection and acquisition phases of the product procurement cycle

(see column 4 lines 64-67 and column 1 lines 1-13).

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the teachings of Giovannoli to include teach registering

information in one of the item bidding process for commodity parts or devices or the service

bidding process for non-commodity parts or devices selecting the suppliers that are to receive the

request for quotation pack, making the request for quotation pack available to selected suppliers

on a supplier on-line system web site and displaying the request for quotation pack on a

computing device for at least one of the selected suppliers taught by Aycock in order to qualify a

supplier as a vendor.

As per claim 11, Giovannoli discloses further including:

configuring the request for quotation pack for automatic analysis by one of the suppliers to

determine a last day available for the supplier to respond and providing the buyer with the

capability to review quotations for request for quotation pack received prior to the last day to

respond(Note abstract and see column 1-8 lines 1-67).

As per claim 12, Giovannoli discloses wherein the action of making the request for quotation with the attached documents available to select suppliers includes synchronizing the data in the request for quotation with internal and external databases in order to transfer the files to a designated web site. (Note abstract and see column 1-8 lines 1-67).

As per claim 13, Giovannoli discloses further including an action of downloading documentation from sources outside of the supplier on-line system for inclusion into the request for quotation pack. (Note abstract and see column 1-8 lines 1-67).

As per claim 14, Giovannoli discloses further including:
registering part or device number information within the bidding process for the commodity parts or devices and selecting the documentation that is to be attached to individual parts or devices of the request for quotation to form the request for quotation pack (Note abstract and see column 1-8 lines 1-67).

As per claim 15, Giovannoli discloses further including:
downloading the engineering documents to at least one of a CAD workstation, a plotter, and a CNC machine (Note abstract and see column 1-8 lines 1-67).

As per claim 16, Giovannoli discloses further including:
synchronizing data included in the request for quotation pack with data of internal and external databases, receiving from at least one of the selected suppliers by a supplier online system, a supplier quotation comprising supplier documentation and supplier business information; and generating a buyer notification e-mail by the supplier online system in response to receiving the supplier quotation (Note abstract and see column 1-8 lines 1-67).

As per claim 17, Giovannoli discloses further including:
determining by the supplier online system a close day for the request for quotation pack; and prohibiting reception of the supplier quotation after the determined closed day. (Note abstract and see column 1-8 lines 1-67).

Conclusion
RESPONSE TO ARGUMENTS

5.   In response to Applicant's arguments filed 7/7/2008 has been fully considered but they are not persuasive for the following reasons.

6.   In response to applicant's arguments that Giovannoli fail to teach or suggest "generating by a buyer a request for a quotation from at least some of the plurality of suppliers for a cost of a part or device generating at least one attachment document at least one of the request for quotation and the at least one attachment document including both engineering information and business information documents determining which of the plurality of suppliers are to be provided with the request for quotation inquiring suppliers to be provided with the request for quotation and registered on the supplier on-line system, responsive to the inquiring, registering the suppliers" the examiner disagrees with Applicant because these claimed limitations were addressed as stated"

Giovannoli teaches generating by a buyer a request for a quotation from at least some of the plurality of suppliers for a cost of a part or device, generating at least one attachment document at least one of the request for quotation and the at least one attachment document including both engineering information and business information documents, determining which of the plurality of suppliers are to be provided with the request for quotation, inquiring suppliers to be provided with the request for quotation-and registered on the supplier on-line system, responsive to the inquiring, registering the suppliers not registered on the supplier on-line system (see column 1-8 lines 1-67) notifying the buyer, automatically by the supplier on-line system, of the registration of the suppliers, selecting which of the generated at least one attachment document are to be attached as part of a service bidding process corresponding to respective non-commodity parts or devices of the request for quotation (Note abstract and see column 1-8 lines 1-67) building the request for quotation, including joining the selected generated attachment documents into a request for quotation pack, the request for quotation pack(Note abstract and see column 1-8 lines 1-67).

     However Aycock discloses method for evaluating supplier capabilities to qualify a supplier as a vendor, according to a preferred embodiment of the present invention. Specifically, the disclosed method is directed to evaluating the quality control capabilities of the supplier and is therefore also referred to as a supplier quality maturity assessment process. The supplier quality maturity assessment process (SQ-MAP) is a supplier selection analysis to measure a supplier quality process maturity. The SQ-MAP process is based upon national and international quality standards including ISO 9001/ISO 9000-3, the disclosures of which are incorporated herein by

reference. The SQ-MAP process is applicable for assessing the quality process maturity level of

hardware manufacturing and software development supplier. In addition, the SQ-MAP process is

designed for use during the selection and acquisition phases of the product procurement cycle

(see column 4 lines 64-67 and column 1 lines 1-13).

Therefore it is obviously clear that Applicant's claimed limitations were addressed within the

teachings of Giovannoli and Aycock.

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CLEMENT B. GRAHAM whose telephone number is (571)272-

6795. The examiner can normally be reached on 7am to 5pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/
Primary Examiner, Art Unit 3696

CG

OCT 25, 2008